

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 78-98 are presently active in this case. Claims 1-77 were cancelled by previous amendments. The present Amendment amends Applicants' independent Claim 78 and adds new Claims 97-98 without introducing any new matter.

In the July 15, 2010, 2010 Office Action, Claims 78, 80-82, 86-88, 90 and 92 were rejected under 35 U.S.C. § 102(b) as anticipated by Allen (U.S. Patent No. 2,851,805); alternatively, Claims 78-82, 84-88 and 90 were rejected under 35 U.S.C. § 102(b) as anticipated by Turnbull et al. ("Accelerated Weathering of UPVC," Journal of Medical Science Vol. 32, 1997, pp. 2313-2327, hereinafter "Turnbull."); Claims 83-84 and 96 were rejected under 35 U.S.C. § 103(a) as unpatentable over Allen in view of "A True Tale of Tattoo Envy," Whitney Matheson, USA Today Article, July 30, 2003, hereinafter "Matheson"; Claims 89 and 93 were rejected under 35 U.S.C. § 103(a) over Turnbull in view of Kessler et al. (U.S. Pat. App. Pub. No. 2004/0149021, no U.S. Pat. No. 6,880,387). Claim 94-95 were rejected under 35 U.S.C. § 103(a) over Turnbull.

First, Applicants wish to thank Examiner Ramdhanie, Art Unit 1797 for the courtesy of an interview granted to Applicants' representative Nikolaus P. Schibli, Ph.D., Reg. No. 56,994, on October 14, 2010, at which time the pending rejections in this case were discussed. Arguments towards patentability were presented, and the Examiner believed that the claims were too broad in light of the applied references, however, the Examiner suggested amending the claims to further clarify certain features. He said that he would reconsider the outstanding grounds for rejection upon formal submission of a response.

In response, Applicants' independent Claim 78 is amended to recite that the determination of an extent to which the specific intensity distribution of the masked radiation

correlates with the response function is calculated “by correlating each coordinate position of the specific intensity distribution of the masked radiation with a corresponding coordinate position of the response function of the sample, and by generating a power spectrum of the calculated correlation function.” These features find non-limiting support in Applicants’ disclosure as originally filed, for example in the specification at page 11, lines 21-32. No new matter has been added.

Moreover, new Claims 97-98 are added. New Claim 97 depends from independent Claim 78, and recites features related to the calculation of a power spectrum, and finds non-limiting support in the specification at page 11, lines 21-32. New Claim 98 depends from independent Claim 78, and recites features related to the average power spectrum, and finds non-limiting support in the specification at page 12, lines 1-10. Again, no new matter has been added.

In response to the rejections of Applicants’ claims under 35 U.S.C. §§ 102(b) and 103(a), Applicants respectfully traverse the rejection, and request reconsideration of the rejection, as next discussed.

Briefly summarizing, Applicants’ independent Claim 78 is directed to a method for detecting change of a physically measurable property of a sample. The method includes *inert alia* a step of determining a correlation of the specific intensity distribution of the masked radiation with the response function by a correlation analysis, the correlation analysis producing a measure of a change of the physically measurable property of the sample due to the masked radiation during the defined action time, and determining an extent to which the specific intensity distribution of the masked radiation correlates with the response function *by calculating a correlation function by correlating each coordinate position of the specific intensity distribution of the masked radiation with a corresponding coordinate position of*

the response function of the sample, and by generating a power spectrum of the calculated correlation function.

Turning now to the applied references, Allen is directed to a sun tattoo mask 10 having a lower adhesive layer 12 and an upper opaque layer 11, where a transparent sheet 14 is cut in a suitable design. (Allen, col. 2, ll. 9-26.) The sun tattoo mask 10 can be placed on a user's skin so that the sun will tan the skin to form the design of the mask 10 on the user's skin. (Allen, col. 2, ll. 55-72.) However, Allen fails to teach the correlation of each coordinate position of the specific intensity distribution of the masked radiation with a corresponding coordinate position of the response function of the sample, as recited in Applicants' independent Claim 78. As a fact, Allen is silent on such a feature.

The reference Turnbull, used by the pending Office Action to form 35 U.S.C. §§ 102(b) and 103(a) rejections, fails to remedy the deficiencies of Allen. Turnbull describes a study where various Unplasticized polyvinyl chloride (UPVC) parts were exposed to artificial weathering cycles, and were compared to UPVC parts that were exposed to natural conditions over 16 years. (Turnbull, Abstract, p. 2313, p. 2314, col. 2, Sec. 2.2.2.) Subsequently, the UPVC parts were examined by x-ray analysis, and by performing color measurements, to compare the results. (Turnbull, p. 2315, col. 1, ll. 7-29.) However, Turnbull fails to teach the correlation of each coordinate position of the specific intensity distribution of the masked radiation with a corresponding coordinate position of the response function of the sample, as recited in Applicants' independent Claim 78.

Moreover, the cited passages of the references Matheson and Kessler also fail to teach the above-discussed feature of Applicants' independent Claim 78. Accordingly, Applicants respectfully traverse, and request reconsideration of the rejections based on these references.

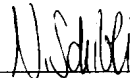
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

condition for formal Allowance. A Notice of Allowance for Claims 78-98 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Nikolaus P. Schibli, Ph.D.
Registered Patent Agent
Registration No. 56,994

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